

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

LARRY SHAFFER; NWFEX, INC.;
NORTHWEST FINANCIAL EXPRESS, INC.;
and GOLD FINANCIAL EXPRESS, INC.

PLAINTIFFS

v. Civil No. 06-5103

ALLEN W. BIRD II, TRUSTEE, and
FREDERICK S. WETZEL III, SUCCESSOR
TRUSTEE, and INTERNATIONAL SURETIES
LIMITED, his Surety Bond Company

DEFENDANTS

O R D E R

Now on this 10th day of May, 2007, come on for consideration
the following motions:

- * **Motion Of Plaintiffs To Dismiss Without Prejudice
Against Separate Defendant, Fredrick S. Wetzel III**
(document #32);
- * defendant Wetzel's **Motion For Sanctions** (document #35);
- * **Motion Of Plaintiffs To Dismiss Without Prejudice
Against Separate Defendant, Liberty Mutual Insurance
Company** (document #39); and
- * defendant Wetzel's **Withdrawal Of Opposition Of Frederick
S. Wetzel III To Plaintiffs' Motion To Dismiss And
Motion For Sanctions** (document #40),

and the Court, being well and sufficiently advised, finds that the
motions to dismiss, and the motion to withdraw the motion for
sanctions should be granted, leaving for resolution only the
claims of plaintiffs as against separate defendant Allen W. Bird

II, Trustee.

IT IS THEREFORE ORDERED that the Motion Of Plaintiffs To Dismiss Without Prejudice Against Separate Defendant, Fredrick S. Wetzel III (document #32) is **granted**, and plaintiffs' claims against separate defendant Frederick S. Wetzel III are hereby **dismissed without prejudice**.

IT IS FURTHER ORDERED that defendant Wetzel's Motion For Sanctions (document #35) is **denied as moot**.

IT IS FURTHER ORDERED that the Motion Of Plaintiffs To Dismiss Without Prejudice Against Separate Defendant, Liberty Mutual Insurance Company (document #39) is **granted**, and plaintiffs' claims against Liberty Mutual Insurance Company are hereby **dismissed without prejudice**.

IT IS FURTHER ORDERED that defendant Wetzel's Withdrawal Of Opposition Of Frederick S. Wetzel III To Plaintiffs' Motion To Dismiss And Motion For Sanctions (document #40) is **granted**.

IT IS SO ORDERED.

/s/ Jimm Larry Hendren
JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE